IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE K.C. BHANU**

**WRIT PETITION NO : 5689 of 2005**

Between:

Satyaranjan Sahu, s/o Gokinadha Sahu,
r/o Bejjapuram, Berhampur, Ganjam District, Orissa State.

**..... PETITIONER**

AND

1 Deputy Transport Commissioner, Srikakulam, Srikakulam District.
2 Motor Vehicle Inspector, Palasa, Srikakulam District

**.....RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order, direction more particularly writ in the nature of mandamus under Article 226 of Constitution of India, declaring the action of the 2nd respondent issuing the impugned proceedings and seized the petitioner's vehicle and kept in the Kanchili Police Station, Srikakulam District on 11-3-2005 on the ground that the petitioner is stopping the bus, which place not in the permit carriage route, by deviating the route permit as illegal, improper, and arbitrary, consequently to set aside the proceedings of the 2nd respondent, declared as null and void, and pass such other order or orders as this Hon'ble Court deems fit and proper in the facts and circumstances of the case.

**Counsel for the Petitioner: SMT.A.PADMA**

**Counsel for the Respondent No.2: GP FOR TRANSPORT**

**The Court made the following :**

**ORAL ORDER**:

This writ petition is filed seeking a Mandamus to declare the action of the 2nd respondent in seizing and detaining the petitioner's vehicle bearing No.TML 5974 (AL-1987) vide Check Report No.0966289, dated 11.3.2005 as illegal and arbitrary.

The petitioner claims that he is the owner of the vehicle bearing No.TML 5974 (AL-1987) and that his vehicle was seized vide Check Report No.0966289, dated 11.3.2005 for violation of certain provisions of the Motor Vehicles Act, 1988 and the Rules framed thereunder.

Whether the petitioner has violated certain provisions of the Motor Vehicles Act, 1988 and the Rules framed thereunder, has to be decided by the competent authority. Meanwhile, it is not desirable to keep the vehicle idle exposing to sun and rain causing damage to the vehicle. Therefore, the 1st respondent is directed to release the petitioner's vehicle bearing No.TML 5974 (AL-1987) on the following terms and conditions.

1. *that the petitioner shall not alienate or transfer the vehicle.*
2. *that the petitioner shall not remove the spare parts of the vehicle.*

3. *that the petitioner shall produce the vehicle as and when required before the competent authority.*

4. *that the petitioner shall pay the taxes due, if any, as on today.*

5. *that the petitioner shall produce all the original documents standing in his name.*

The writ petition is disposed of in terms of the above directions. In the circumstances of the case, there shall be no order as to costs.

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(K.C. BHANU, J.)

18th March, 2005.

bcj

Note: Issue wire at party's cost

B/o

bcj

To

1 Deputy Transport Commissioner, Srikakulam, Srikakulam District.
2 Motor Vehicle Inspector, Palasa, Srikakulam District

3 Two C.Cs. to the Government Pleader for Transport, High Court Buildings, Hyderabad (OUT)

4 Two C.D. copies.

Note: Issue wire at party's cost

B/o.

bcj